UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,707	01/04/2002	Jeffrey D. Kuczynski-Brown	GIC-655	4090

			EXAMINER
43471	7590	12/01/2006	
			JONES III, CLYDE H

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ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/038,707	KUCZYNSKI-BROWN, JEFFREY D.
	Examiner	Art Unit	
	Clyde H. Jones III	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>9/15/2006</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-16 and 18-28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 2, 4-16, 18-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1, 2, 4-16 and 18-28 of the
9/15/2006 Remarks have been considered but are moot in view of the new ground(s) of
rejection.

The applicant argues that Chaney in view of Mobley fail to teach the newly added
limitation the IPPV data comprises credit/debit values, however this limitation is met by
Chaney in view of Mobley and Wasilewski as described below.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 2, 4-16, and 18-28 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Chaney et al. (US 6,594,361 B1) in view of Mobley et al. (US
5,708,963) and in further view of Wasilewski et al. (US 2005/0259813 A1).

Regarding claims 1, 2, 15, and 16, Chaney discloses a system for management
and collection of impulse pay-per-view (IPPV) data, comprising:

a headend controller (DSS service provider; col. 3, lines 54-67; col. 13, lines 36-38);

a smart card 180 (fig. 1) enabled digital television terminal (signal processing system – fig. 1) in communication with the controller via a network (col. 3, lines 45-67; col. 4, line 15); and

a smart card 180 operatively associated with the terminal (fig. 1);

wherein:

the controller sends security information (control information, e.g., EMM, ECM, inter alia) to the smart card via the terminal (col. 3, line 65-col. 4, line 14; col. 5, lines 30-40 & col. 8, lines 45-50);

authentication data (reads on Chaney's entitlement management data and/or keys generated) based on (derived from) the security information is computed by the smart card (col. 5, line 55-col. 6, line 6; col. 6, line 51-62; col. 10, lines 34-43; and col. 9, lines 23-30 in which status information is generated which includes data indicating whether descrambling, i.e., authorization, is in progress);

the terminal commands "reportback" to the headend controller to retrieve the authentication data and current IPPV data (impulse purchase information/reportback messages) (col. 11, lines 5-24; col. 11, lines 55-64; col. 5, lines 64-col. 6, lines 5);

the current IPPV data is validated (confirmed) by the controller based on the authentication data (the examiner interprets "based on the authentication data" to mean the controller validates current IPPV data that is generated using authentication data; Chaney teaches the reportback message is validated by the service provider for billing

purposes and that the purchase information/reportback message contains the

entitlements generated in the smart card; col. 11, lines 12-18 & 45-47);

calculating an updated IPPV data (updated EMM - which enables the user to

access IPPV services) based upon at least the current IPPV data by the controller (col.

11, lines 12-13; col. 11, lines 43-44; col. 10, lines 49-56; in which the service provider

bills the user, i.e., the user purchases the entitlement, and the updated EMM is

calculated, i.e., the user's address is identified and included with the updated EMM,

which is sent to the user's smart card); and

updated IPPV data is sent from the controller to the smart card via the terminal

(col. 10, lines 51-59; col. 5, lines 49-59).

Chaney fails to teach "polled by the headend controller" and calculating a new

credit/debit data.

In an analogous art Mobley teaches, in an IPPV system it is desirable for the

headend controller (communication 5/accounting center 6 - fig. 5A) to poll terminals

102a-102n for controlling the upstream response of terminals (col. 14, lines 51-65) and

collision avoidance (col. 9, line 50- col. 10, line 5; col. 12, lines 40-67).

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to modify the system of Chaney to include polled by the headend

controller as taught by Mobley for the advantage of more efficient use of the

communication paths in addition to more effective distribution of the response

management load, i.e. among the terminals rather than being excessively concentrated

on the headend controller/equipment (col. 12, lines 46-57).

Chaney in view of Mobley fail to teach calculating a new credit/debit data.

In an analogous art, Wasilewski teaches that in an IPPV system that uses EMMs to control subscriber access to subscriber events (fig. 1; par. 104, lines 4-8) it is desirable to provide calculating a new credit/debit data for providing requested events and updating EMMs/entitlements (par. 104, lines 12-15; par. 21, lines 1-12; par. 271, lines 14-18; par. 294, lines 13-15, in which user purchase data is validated and the user account is debited and provided updated credit for future IPPV purchases).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicants invention to modify the system of Chaney in view of Mobley to include calculating a new credit/debit data as taught by Wasilewski for the added advantage of providing a medium of exchange enabling users to make impulse program selections while decreasing the providers liability, i.e., financial losses due to fraudulent or non-paying customers by awarding credit limits to credible subscribers.

Regarding claims 4 and 18, Chaney in view of Mobley and Wasilewski teach the smart card is one of a newly issued (initial) smart card with zero IPPV data values (no paid for entitlements) (Chaney - col. 3, lines 56-65; in which an initial card is sent to the user but with no initial IPPV entitlements paid for, e.g., when a subscriber just starts a new service),

a re-issued (newly sent smart card with software/hardware updates) smart card with zero IPPV data values (no paid for entitlements) (Chaney - col. 13, lines 24-35; col. 3, lines 56-65; in which a card may be re-issued to the user with no IPPV data values,

e.g., to replace/update a previous smart card's, i.e., an old card that doesn't have any more IPPV entitlements left stored on it, software/hardware), and

a re-issued smart card with non-zero IPPV data values (paid for entitlements) (col. 13, lines 24-35; col. 10, lines 62-63; col. 3, lines 61-65) (Chaney – col. 3, lines 56-65).

Regarding claims 5 and 19, Chaney in view of Mobley and Wasilewski teach disabling IPPV capabilities (the user can not view IPPV programs without the proper entitlements) at the terminal until updated IPPV data (updated entitlements) is received by the terminal (Chaney- col. 5, lines 64-col. 6, line 11; col. 6, lines 54-63 col. 10, 34-43).

Regarding claims 6 and 20, Chaney in view of Mobley and Wasilewski teach the new credit/debit data of the updated IPPV data is compared to (judged against) an IPPV purchase amount to determine whether to allow or disallow an IPPV purchase (Chaney - col. 10, lines 34-61; col. 11, lines 5-23; col. 11, lines 36-44; Wasilewski- par. 285, lines 12-23).

Regarding claims 7 and 21, Chaney in view of Mobley and Wasilewski teach a storage device associated with the terminal for storing the current IPPV data at the terminal (Chaney - col. 10, lines 38-46; col. 5, lines 64-col. 6, lines 5; col. 6, lines 54-63; col. 11, lines 5-24; col. 11, lines 55-64; Mobley – 801 – fig. 8).

Regarding claims 22 and 8, Chaney in view of Mobley and Wasilewski teach

previously stored IPPV data values from a prior (past) smart card associated with the

terminal are reported from the terminal to the headend (Chaney - col. 13, lines 51- col.

14, line 1; in which Chaney teaches a smart card reporting back to the headend as

discussed in claim 1 and further that the card is one of multiple cards, i.e., the examiner

at least one of the cards that reports back to be older than another one of the multiple

cards, e.g., if a user starts with one IPPV service and later adds new/more services that

require new smart cards).

Regarding claims 9 and 23, Chaney in view of Mobley and Wasilewski teach a

purchase report back message is constructed at the terminal at the time of an initial

IPPV purchase (Chaney – col. 3, line 56-col. 4, line 8; col. 11, lines 5-16; col. 11, lines

45-47; in which a user wants to make an initial IPPV purchase, i.e., using a new smart

card, and the system determines at the time of the IPPV request the user isn't entitled to

access so a IPPV purchase offer/report back message is constructed so that the

headend will received the request to send the appropriate entitlements to the smart

card).

Regarding claims 10 and 24, Chaney in view of Mobley and Wasilewski teach the

purchase report back message is updated at the time of each subsequent IPV purchase

after the initial purchase (Chaney col. 11, lines 5-16; col. 11, lines 45-47; in which report back messages are generated for each "impulse" purchase offer).

Regarding claims 11 and 25, Chaney in view of Mobley and Wasilewski teach the headend controller periodically polls the terminal to retrieve the report back message (Mobley – col. 10, lines 38-43, line 52, & lines 59-62; col. 11, lines 10-12; Chaney- col. 11, lines 49-51).

Regarding claims 12 and 26, Chaney in view of Mobley and Wasilewski teach the purchase report back message is overwritten (updated) with a new purchase report back message at the time of a first IPPV purchase occurring after the polling (Chaney - col. 11, line 6-24; col. 11, lines 45-47; in which Chaney in view of Mobley teach the reportback messages are updated after a poll/reportback so that the user can be billed for new purchases made after the previous poll/reportback).

Regarding claims 13 and 27, Chaney in view of Mobley and Wasilewski teach the purchase report back (report back message contents) is stored at the terminal (in the smartcard 180) (Chaney – col. 11, lines 49-57).

Regarding claims 14 and 28, Chaney in view of Mobley and Wasilewski teach the purchase report back message includes at least one of IPPV purchase data ("purchase offer" acceptance data) (col. 11, lines 5-16).

Conclusion

4.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clyde H. Jones III whose telephone number is 571-272-5946. The examiner can normally be reached on 9-5:30 p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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